

MEMORANDUM

DATE: February 24, 1983

TO: Warner Reeser
Robert D. Siek

FROM: John Blueyes *JB*
Ella Mulford

SUBJECT: Laguna Reclamation Status, TA 23-571

Confidential Claim Retracted

Authorized by: *SC*

Date: *6/12/13*

We accompanied the Pueblo of Laguna during their meeting with Anaconda Minerals Company (see our memo of 2-24-83). Anaconda sent a letter of response (attached) to Governor Early's letter of 12-3-82. The meeting with Anaconda resulted in the company establishing a position of not deviating from their reclamation plan. They are willing to negotiate on nonreclamation issues. The contents of the 2-24-83 Anaconda letter reinforces this stance.

The no-negotiation position, we suspect, is due in part to the removal of the MMS from its role of regulating mined-land reclamation. The following ~~permits~~ *points* further illustrates some degree of discord in the past relatively good relations the Pueblo had with Anaconda:

- o Manner of Anaconda Response to 12-3-82 Letter. The letter of 12-3-83 was addressed to the president of Anaconda. But, the response came from their Grants, NM operations. The extent of management involvement is questionable. Moreover, the letter of response stated an Anaconda letter of 12-10-82 requested some clarification on Governor Early's 12-3-82 letter. Anaconda wrote no clarification was submitted by Laguna. But, our meeting with Anaconda on 2-19-83 concluded with Anaconda not addressing the clarification issue.
- o Mine-land Reclamation Resolution. Anaconda claimed the older leases are not subject to government regulations. Out of good faith, they stated, they compiled the reclamation plan to exceed the requirements of regulations. This is the first time Anaconda has resorted to asserting their position on the validity of applicability of regulations.
- o Cursory Treatment of Reclamation Issues. The company's position on these issues remained the same, with the exception of one. The monitoring of vegetation was changed somewhat. The company merely restated their arguments supporting their positions on the other reclamation issues. Yet, from past meetings, we agreed some issues required further studies and that Anaconda and MMS resolve others by means of compromise or technical clarification. Additionally, the Pueblo presented reasons for their positions. Anaconda, in their response, totally ignored the aforementioned.



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The manner in which Anaconda has acted lately leads us to believe negotiating with Anaconda will be futile. CERT's participation in future negotiations will in all likelihood result in unnecessary expenditure of effort. Therefore, we request a meeting to discuss ways CERT will approach this project to better serve the tribe. We suggest that CERT recommend some strategies that the tribe may employ. We will, of course, have to indicate the nature of assistance CERT can provide within the scope of TA 23-571.